



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

April 26, 1989
AO-89-10

Mary Sidney Treyz
306 Lincoln Avenue
Amherst, Massachusetts 01002

Dear Mrs. Treyz:

This letter is in response to your request for an advisory opinion.

You have stated that you are the Chairman of the Board of Registrars in Amherst. You are paid \$200 per year by the town for this position. You have asked whether you may serve as treasurer of the Amherst Democratic Town Committee.

Section 13 of M.G.L. c.55 states, in part:

No person employed for compensation, other than an elected officer, by the commonwealth or any county, city, or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office of a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other

thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or combination of persons has any interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility.

Section 13 prohibits any person employed for compensation by the Commonwealth or any political subdivision thereof from directly or indirectly soliciting or receiving contributions for any political purpose. While you receive some compensation from the town of Amherst for your position as Chairman of the Board of Registrars, it is the opinion of this office that such compensation is de minimis in nature and that you are therefore not "employed for compensation" within the meaning of section 13. It is therefore the opinion of this office that you would not be prohibited from serving as treasurer of the Amherst Democratic Town Committee.

We would alert you, however, to section 15 of M.G.L. c.55, which states in pertinent part:

No officer, clerk or other person in the service of the commonwealth or of any county, city or town shall, directly or indirectly, give or deliver to an officer, clerk or person in said service, or to any councillor, member of the general court, alderman, councilman or commissioner, any money or other valuable thing on account of, or to be applied to, the promotion of any political object whatever.

This section would preclude you from delivering monies or checks directly to a candidate (as opposed to an agent of such candidate's political committee). This section would also preclude you from receiving checks or monies from other persons in the public service, such as teachers, police officers and public works officials, whether or not such persons worked for the town of Amherst, the county of Hampshire, the Commonwealth of Massachusetts or another governmental unit.

You should also be aware of the following provisions of the campaign finance law:

Section 14 of M.G.L. c.55 states: "No person shall in any building or part thereof occupied for state, county or municipal purposes demand, solicit or receive any payment or gift of money or other thing of value for purposes set forth in section thirteen."

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Section 16 of M.G.L. c.55 states: "No person in the public service shall, for that reason, be under obligation to contribute to any political fund, or to render any political service, and shall not be removed or otherwise prejudiced for refusing to do so."

Section 17 of M.G.L. c.55 states: "No officer or employee of the commonwealth or of any county, city or town shall discharge, promote, or degrade an officer or employee, or change his official rank or compensation, or promise or threaten so to do, for giving, withholding or neglecting to make a contribution of money or other valuable thing for a political purpose."

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

MFM-PLH/bah